THE BOMBAY HARIJAN TEMPLE ENTRY ACT, 1947.

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BOMBAY ACT No. XXXV OF 1947.[1]

[THE BOMBAY HARIJAN TEMPLE ENTRY ACT, 1947.]

[*23rd November 1947.*]

Amended by Bom. 77 of 1948.

An Act to entitle Harijans to enter and perform worship in temples in the Province of Bombay.

WHEREAS it is expedient that the rights of the Harijans to enter and perform worship in temples in the Province of Bombay be recognised by law; It is hereby enacted as follows:—

Short title and extent.

1. (*1*) This Act may be called the Bombay Harijan Temple Entry Act, 1947.

(*2*) It extends to the whole of the Province of Bombay.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(*a*) "Harijan" means a member of a caste, race or tribe deemed to be a Scheduled Caste under the Government of India (Scheduled Castes) Order, 1936;

(*b*) "Hindus" includes Jains;

[2][(*c*) "temple" means a place, by whatever name known and to whomsoever belonging, which is used as a place of religious worship by custom, usage or otherwise by the members of the Hindu community or any section thereof and includes all land appurtenant thereto and subsidiary shrines attached to any such place;]

(*d*) "worship" includes attendance at a temple for the purpose of *darshan* of a deity or deities [3]* * in or within the precincts thereof.

Right of Harijan to enter and perform worship in temples.

3. Notwithstanding anything contained in the terms of any instrument of trust, the terms of dedication, the terms of a sanad, or a decree or order of a competent court, or any custom, usage or law, for the time being in force to the contrary, every temple shall be open to Harijans for worship in the same manner and to the same extent as [4][to any member of the Hindu community or any section thereof] and Harijans shall be entitled to bathe in, or use the waters of, any sacred tank, well, spring or water-course in the same manner and to the same extent as [4][any member of the Hindu community or any section thereof].

Penalty.

4. (*1*) Whoever—

(*i*) prevents a Harijan from exercising any right conferred by this Act, or

(*ii*) molests or obstructs or causes or attempts to cause obstruction to a Harijan in the exercise of any such rights shall, on conviction, be punishable with imprisonment which may extend to six months or with fine or with both.

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[1] For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1947, Part V, page 158; for Proceedings in Assembly, *see* Bombay Legislative Assembly Debates, 1947, Vol. X and XI; and for Proceedings in Council, *see* Bombay Legislative Council Debates, 1947, Vol. XIII.

[2] This clause was substituted for the original by Bom. 77 of 1948, s. 2(*1*).

[3] The word "installed" was deleted, *ibid.*, s. 2(*2*).

[4] These words were substituted for the words "other Hindus in general", *ibid.*, s. 3.

(*2*) Notwithstanding anything to the contrary contained in any instrument or any law, custom or usage, where the manager or trustee of a temple which is in receipt of a grant of land or money from Government is convicted of an offence punishable under sub-section (*1*), and such conviction is not subsequently reversed or quashed, the Provincial Government may direct the suspension or resumption of the whole or any part of such grant.

Exclusion of jurisdiction of courts.

5. No civil court shall entertain or continue any suit or proceeding or shall pass an order or decree or execute wholly or partially any order or decree, if the claim involved in such suit or proceeding or if the passing of such order or decree or if such execution, would in any way be inconsistent with the provisions of this Act.

Power to arrest without warrant.

6. Any police officer not below the rank of a Sub-Inspector may arrest without warrant any person who is reasonably suspected of having committed an offence punishable under this Act.